

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

## REPLACEMENT

Monday, October 12, 2009, 7:00 p.m.

### ROLL CALL PLEDGE OF ALLEGIANCE

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*The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- \* 09-1012-01        Scott Forbort petition to vacate Third Avenue West north of Seventh Street extending to the north boundary described as Lot 47, Block 92, Duluth Proper Third Division. -- Assessor
- \* 09-1012-02        Park Point Properties, LLC, et al. (two signatures), petition to reclassify from R-1-c to R-3 Lots 51-60, St. Louis Avenue, Upper Duluth. -- Assessor
- \* 09-1012-03        The following communications regarding appeal of actions of the planning commission to grant a special use permit and variance to Independent School District 709 as authorized by Chapter 51, Article III, of the City of Duluth Legislative Code for property located at 301 North 40th Avenue East (unnamed eastern high school project) (09-0620R and 09-0621R): (a) Gary Glass; (b) Virginia May and Wayne Jarvis; (c) Linda Magni; (d) Nancy Nelson; (e) Rodger Pearson; (f) Brian Ronstrom. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

- \* 09-1012-04        Board of zoning appeals minutes of: (a) July 28; (b) August 25, 2009, meetings. -- Received
- \* 09-1012-05        Duluth airport authority balance sheet of July 31, 2009. -- Received
- \* 09-1012-06        Duluth public arts commission minutes of August 17, 2009, meeting. -- Received
- \* 09-1012-07        Duluth transit authority: (a) Financial statement of May 2009; (b) Minutes of June 24, 2009, meeting. -- Received
- \* 09-1012-08        Entertainment and convention center authority minutes of: (a) September 29, regular; (b) September 29, 2009, building committee, meetings. -- Received
- \* 09-1012-09        Housing and redevelopment authority minutes of: (a) June 30; (b) July 13; (c) July 28, 2009, meetings. -- Received
- \* 09-1012-10        Library board minutes of August 25, 2009, meeting. -- Received
- \* 09-1012-11        Seaway Port authority financial report for July 2009. -- Received

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\* Listed only, not copied.

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### REPORTS OF COUNCIL COMMITTEES

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### OPPORTUNITY FOR CITIZENS TO BE HEARD

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## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

#### COMMITTEE 1

##### BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

09-0616R - RESOLUTION APPROVING THE ISSUANCE OF A 2010 MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

09-0618R - RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH MORTON INTERNATIONAL, INC., MORTON SALT DIVISION, FOR THE PURCHASE AND DELIVERY OF ROAD SALT FOR THE 2009 - 2010 SEASON (OCTOBER THROUGH APRIL) AT A TOTAL AMOUNT OF \$861,038.44.

09-0622R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM LAKE AVENUE CAFÉ, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH, TO LAKE EFFECT, INC. (LAKE AVENUE CAFÉ), SAME ADDRESS.

09-0623R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND APPLICATION FOR A 2:00 A.M. BEVERAGE LICENSE FROM CLUB FRICTION, LLC (SCORE SPORTS BAR & GRILL), 21 NORTH FOURTH AVENUE WEST, TO K&K, LLC (DULUTH ATHLETIC CLUB), SAME ADDRESS.

09-0624R - RESOLUTION APPROVING THE 2:00 A.M. BEVERAGE LICENSE FOR ZEITGEIST ARTS, LLC (TEATRO, ZINEMA 2, ZEITGEIST ARTS CAFÉ), 222 EAST SUPERIOR STREET.

**NEW** 09-0628R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ST. JOHN'S SCHOOL AND LINCOLN PARK BUSINESS GROUP.

#### COMMITTEE 2

##### BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

**NEW** 09-0625R - RESOLUTION APPROVING LAWS OF MINNESOTA 2009, CHAPTER 88, ARTICLE 5, SECTION 17, MODIFYING THE FIVE YEAR KNOCKDOWN RULE FOR A TIF DISTRICT FOR THE USX SITE.  
(REPLACEMENT)

#### COMMITTEE 3

##### BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)

09-0614R - RESOLUTION DESIGNATING SEWER BASIN NOS. 23 AND 24 FOR I&I ENFORCEMENT UNDER CHAPTER 43 AND GIVING NOTICE TO AFFECTED PROPERTIES.

**COMMITTEE 3**

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0617R - RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$242,760 FOR ENHANCING FORENSIC AND CRIME SCENE INVESTIGATIONS.

09-0619R - RESOLUTION SCHEDULING A PUBLIC HEARING REGARDING WHETHER TO DESIGNATE ELIZABETH STREET IN THE VICINITY OF THE UNIVERSITY OF MINNESOTA - DULUTH AS A RESIDENT PERMIT PARKING ZONE.

**END OF CONSENT AGENDA**

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The following entitled resolutions are also for consideration at this meeting:

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

09-0620R - RESOLUTION AFFIRMING THE ACTIONS OF THE PLANNING COMMISSION AND GRANTING A SPECIAL USE PERMIT AND VARIANCE TO INDEPENDENT SCHOOL DISTRICT 709 AS AUTHORIZED BY CHAPTER 51, ARTICLE III, OF THE CITY OF DULUTH LEGISLATIVE CODE FOR PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (UNNAMED EASTERN HIGH SCHOOL PROJECT).

09-0621R - RESOLUTION REVERSING THE ACTIONS OF THE PLANNING COMMISSION AND DENYING A SPECIAL USE PERMIT AND VARIANCE TO INDEPENDENT SCHOOL DISTRICT 709 AS AUTHORIZED BY CHAPTER 51, ARTICLE III, OF THE CITY OF DULUTH LEGISLATIVE CODE FOR PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (UNNAMED EASTERN HIGH SCHOOL PROJECT).

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances are to be read for the first time:

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-052-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN CITY PROPERTY TO VARIOUS PARTIES.

09-053-O - AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN PROPERTY IN WISCONSIN TO DL SKIING, LLC, FOR \$100.

The following entitled ordinances are to be read for the second time:

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

09-051-O - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REVENUE BONDS OR NOTE OF THE CITY OF DULUTH IN THE MAXIMUM AMOUNT OF \$1,020,000 FOR THE IMPROVEMENT OF THE MUNICIPAL SEWER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-050-O - AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN PROPERTY IN THE SPIRIT VALLEY AREA TO CHARLES D. AND PATRICIA J. SHAW FOR \$7,500.

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**COUNCILOR QUESTIONS AND COMMENTS**

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